

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Adrian Dion Williams,

Civil No. 10-3090 (RHK/TNL)

Petitioner-Appellant,

v.

ORDER

Warden Bruce Reiser,

Respondent-Appellee.

This matter is presently before the Court on Petitioner's application for leave to proceed in forma pauperis, ("IFP"), in his pending appeal. (Docket No. 53.) Petitioner was previously granted IFP status in this action, (see Order dated April 1, 2011; [Docket No. 22]), so he is automatically entitled to proceed IFP in his present appeal, "without further authorization," unless the Court "certifies that the appeal is not taken in good faith or finds that [he] is not otherwise entitled to proceed in forma pauperis." Fed. R. App. P. 24(a)(3).

Petitioner's current IFP application indicates that his prison trust account balance has increased since he was granted IFP status in this case, growing from less than \$500 to nearly \$1,000. However, it still appears that Petitioner has no significant income or assets, and that he remains financially eligible for IFP status. While the Court does not believe that Petitioner has any meritorious grounds for an appeal,¹ the appeal is nevertheless deemed to be "taken in good faith" for purposes 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3). Therefore, Petitioner's current IFP application will be GRANTED pursuant to Fed. R. App. P. 24(a)(3).

¹ The Court has already determined that Petitioner's § 2254 claims do not warrant a Certificate of Appealability, as required by 28 U.S.C. § 2253(c). (See Order dated December 28, 2012; [Docket No. 50].)

Based upon the foregoing, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

Petitioner's pending application to proceed in forma pauperis on appeal, (Docket No. 53),
is **GRANTED** pursuant to Fed. R. App. P. 24(a)(3).

Dated: February 7, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge